

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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RIMINI STREET, INC., a Nevada Corporation;

Plaintiff,

v.

ORACLE INTERNATIONAL
CORPORATION, a California corporation,

Defendant.

ORACLE AMERICA, INC., a Delaware
corporation; and ORACLE INTERNATIONAL
CORPORATION,

Counter-claimants,

v.

RIMINI STREET, INC.; and SETH RAVIN, an
individual,

Counter-defendants.

Case No. 2:14-cv-1699-LRH-CWH

ORDER

Before the court is counter-claimants Oracle America, Inc. and Oracle International Corporation's (collectively "Oracle") motion for reassignment of action to Magistrate Judge Peggy Leen. ECF No. 304. Counter-defendants Rimini Street, Inc. ("Rimini Street") and Seth Ravin ("Ravin") filed an opposition to the motion (ECF No. 315) to which Oracle replied (ECF No. 327).

I. Facts and Procedural Background

This action was originally assigned to Magistrate Judge Peggy Leen. On May 2, 2016, Attorney West Allen, counsel for counter-defendants, was appointed as chairperson of the merit selection panel considering Magistrate Judge Leen's reappointment as a magistrate judge. To avoid any appearance of conflict arising from the Allen appointment, Magistrate Judge Leen recused herself from this action. ECF No. 224. Magistrate Judge Carl Hoffman was then assigned as the magistrate judge for this action. ECF No. 225. Subsequently, the merit selection panel considering Magistrate Judge Leen's reappointment completed its process and the District Court for the District of Nevada approved Magistrate Judge Leen's appointment as magistrate judge to a new term. Thereafter, Oracle filed the present motion to reassign this matter to Magistrate Judge Leen. ECF No. 304.

II. Discussion

In its motion for reassignment, Oracle contends that Magistrate Judge Leen's recusal from this action was "temporary" and only for the duration of the reappointment process. *See* ECF No. 304. The court disagrees. Magistrate Judge Leen's recusal was "for all further proceedings" in this action. *See* ECF No. 224. Further, the court views judicial recusal of any judge as a final act. The court commends all of the extraordinary work that both Magistrate Judge Leen and Magistrate Judge Hoffman have done in this action, but there is no basis to reassign this case from the current magistrate judge. Therefore, the court shall deny Oracle's motion for reassignment.

IT IS THEREFORE ORDERED that counter-claimants' motion for reassignment (ECF No. 304) is DENIED.

IT IS SO ORDERED.

DATED this 16 day of November, 2016.



LARRY R. HICKS
UNITED STATES DISTRICT JUDGE